

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

U.S. ETHERNET INNOVATIONS, LLC,

Plaintiff,

v.

ACER, INC., et al.,

Defendants.

ATHEROS COMMUNICATIONS, INC., et  
al.,

Intervenors.

No. C 10-3724 CW

ORDER SETTING  
SUMMARY JUDGMENT  
BRIEFING SCHEDULE

(Docket Nos. 1140,  
1143, 1147, 1151,  
1152)

U.S. ETHERNET INNOVATIONS, LLC,

Plaintiff,

v.

AT&T MOBILITY, LLC, et al.,

Defendants,

No. C 10-5254 CW

In this consolidated patent infringement case, after Plaintiff U.S. Ethernet Innovations, LLC (USEI) filed its twenty-five page summary judgment brief, Defendants and Intervenors (collectively, Defendants) moved for an extension of the page limit for their joint opposition and cross motion to one hundred pages. USEI opposed, arguing that an extension on such short notice would be prejudicial. The Court ordered the parties to meet and confer regarding a revised briefing schedule. The parties could not agree and, on July 9, 2014, submitted competing

1 proposals for revising the briefing schedule. See Docket Nos.  
2 1151, 1152.

3 Defendants propose that they be permitted to file a seventy-  
4 five page joint opposition and cross motion by July 17, 2014.  
5 USEI would file an opposition and reply not exceeding seventy-five  
6 pages by August 7, 2014. Defendants would then file their reply  
7 by August 14, 2014. The hearing would be held on August 28, 2014  
8 at 2:00 PM.  
9

10 The Court finds USEI's proposal to be the more reasonable of  
11 the two. In exchange for a twenty-five page limit extension on  
12 Defendants' opening brief, USEI will not introduce any new  
13 affirmative arguments and offers to maintain the current hearing  
14 date. Accordingly, the Court adopts as modified USEI's proposal.  
15 On July 15, 2014,<sup>1</sup> Defendants shall file their opposition and  
16 joint cross motion brief not exceeding fifty pages. On July 31,  
17 2014, USEI shall file their opposition and reply brief, which  
18 shall not exceed fifty pages. On August 7, 2014, Defendants shall  
19 file their reply brief not exceeding twenty-five pages. The  
20 hearing shall be held on August 14, 2014 at 2:00 PM.  
21

22 The parties are reminded that they should meet and confer  
23 before filing even administrative motions, including the one filed  
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25 <sup>1</sup> USEI proposes that Defendants file their brief by today,  
26 July 10, 2014. Because Defendants request at least two days to  
27 reorganize their brief to comply with any changed requirements,  
28 see Docket No. 1147, the Court instead permits Defendants to file  
their brief by July 15, 2014.

1 by Defendants to change the briefing schedule. The meet and  
2 confer process can facilitate a compromise that would obviate the  
3 need for adversary proceedings on relatively minute matters.  
4 Electronic notification of the court filing should not be the  
5 first instance that opposing counsel hears of the dispute.

6 IT IS SO ORDERED.

7  
8 Dated: 7/10/2014

  
CLAUDIA WILKEN  
United States District Judge

United States District Court  
For the Northern District of California